

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-293-C – ORDER NO. 2004-443  
OCTOBER 18, 2004

IN RE: Savannah Valley Cablevision, Inc.,	)	
	)	ORDER APPROVING
Complainant/Petitioner,	)	EXTENSION IN WHICH
	)	TO PREFILE AND
vs.	)	GRANTING MOTION TO
	)	TREAT CERTAIN
West Carolina Rural Telephone Cooperative,	)	MATERIALS AS
Inc. and West Carolina Communications,	)	CONFIDENTIAL
LLC,	)	
	)	
Respondents.	)	
_____	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of Savannah Valley Cablevision, Inc. (“SVC”), for an extension of six (6) days to file its direct testimony in this proceeding. Additionally, the Commission has before it a Motion filed by West Carolina Rural Telephone Cooperative, Inc. (“WCRTC”) and West Carolina Communications, LLC (“WCC”) (collectively, the “Respondents”) requesting that certain materials be treated as confidential.

SVC by its request seeks an extension of six (6) days to file its direct testimony. SVC also suggests that the remaining deadlines of Order No. 2004-133 be delayed as well. SVC asserts that it did not receive Order No. 2004-133 setting forth the scheduling requirements until March 31, 2004. Order No. 2004-133 required SVC’s testimony and

exhibits to be filed on March 31, 2004, the date the Order setting forth the schedule was received by SVC. SVC states that counsel for the Respondents have consented to its request. In addition, SVC notes that the Commission had previously approved SVC's request to take a deposition and that deposition was held on Friday, March 26, 2004. SVC states its intent to use the deposition as direct testimony in the hearing, and the court reporter who took the deposition will have the deposition available by Monday, April 6, 2004. For these reasons, SVC requests that the Commission modify Order No. 2004-133 so that SVC's direct testimony is due on April 6, 2004, the Respondents testimony will be due on April 20, 2004, rebuttal testimony of SVC will be due on April 22, 2004, and surrebuttal testimony of the Respondents will be due on April 26, 2004. SVC also advises the Commission that counsel for the Respondents has agreed to this schedule.

The Commission finds the request and explanation of SVC reasonable, finds that the request will not unduly prejudice any party, and therefore grants the request to modify the scheduling dates reflected in Order No. 2004-133.

The Respondents have filed a Motion requesting that certain materials be treated as confidential in this proceeding. The Respondents state that on February 10, 2004, they provided objections and responses to interrogatories and requests for production to the extent the information requested was not proprietary. With respect to certain information that was requested in discovery that Respondents stated was proprietary, Respondents indicated they would provide the information to SVC upon execution of an appropriate protective agreement. The parties subsequently entered into a protective agreement, and Respondents have provided the confidential or proprietary information to SVC.

Respondents state that the information provided to SVC under the protective agreement is the subject of the instant Motion.

Respondents state their belief that the requested information contains proprietary business information regarding their operations. In light of the more competitive telecommunications environment, Respondents believe it is not appropriate to make detailed information regarding their operations publicly available. Respondents state that access to the information, which is the subject of this Motion, could give actual and potential competitors an unfair competitive advantage. For this reason, Respondents entered into the protective agreement with SVC which limited those persons who could access the information and the purposes for which the information could be used. The parties have agreed to treat those materials confidentially. Respondents state that if they are required to publicly file such information with the Commission, such filing would defeat the purpose of the protective agreement between the parties in this proceeding and could chill discovery in future proceedings. Therefore, the Respondents respectfully request that the Commission treat the materials as confidential.

Upon consideration of this request for confidential treatment, the Commission finds good cause has been shown to grant confidential treatment to the materials designated as confidential by the Respondents.

**IT IS THEREFORE ORDERED:**

1. SVC's request for a six (6) day extension in which to file testimony and exhibits is granted, and further the prefile dates for the other parties as set forth above shall be adjusted accordingly.

2. The Motion of the Respondents for confidential treatment of certain materials is granted. The Commission and Staff shall treat the materials as confidential, and such materials shall not be subject to public disclosure absent further order of this Commission.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)